REMARKS

The Applicants thank the Examiner for granting the October 5, 2004 interview.

Reconsideration and allowance of the above-referenced application are respectfully requested.

I. STATUS OF THE CLAIMS

Claims 1, 12, 24, and 25 are amended herein.

In view of the above, it is respectfully submitted that claims 1-2, 4-15 and 17-25 are currently pending and under consideration in the present application.

II. OBJECTION TO SPECIFICATION

In item 2, on page 2 of the Office Action, the specification is "objected to." The specification is amended herein to overcome the objection.

In view of the above, it is respectfully submitted that the objection is overcome.

III. REJECTION OF CLAIMS 1, 2, 4-8, 12-15, 17-19, 24 AND 25 UNDER 35 U.S.C. 102(E) AS BEING ANTICIPATED BY FETTE ET AL. (USP# 6,052,600)

The present invention as recited in claims 1 and 24, for example, relate to a method of distributing application software applied to an application software distribution system which comprises "constructing a transmission plan in the application software distribution system and transferring a transmission plan message to the mobile station via the application software distribution system," "opening an application software file to be transmitted" and "transmitting the application software file to the mobile station" (emphasis added).

As indicated in the Interview Summary, the Examiner states that the Applicants rely on features such as a server and storing, which are not recited in the claims. It is submitted, however, that the claimed application software distribution system may be a server, as indicated in FIGS. 1 and 2 of the Applicants' specification. Support for this feature may be found on page 7, lines 9-27 of the specification. Thus, in the present invention, the application software distribution system (server) can transmits a transmission plan message to a mobile station (see claims 1 and 24).

Fette teaches a software programmable radio that receives information to configure a reconfigurable resource to perform an operation based on the information. In Fette, for

example, a mobile terminal receives information from a wireless communication service and re-sets the configuration of the mobile terminal to use various wireless communication services from a different communication system based on a different frequency. Although Fette teaches that data or a program is transmitted between the base station and a mobile station, Fette fails to teach that the application software distribution system (server) of the base station transmits/receives an application program to/from the mobile station in order to efficiently use the memory of the mobile station. Therefore, Fette does not teach the features recited in claims 1 and 24 of the present invention.

Claims 12 and 25 relate to a method which comprises "receiving a transmission plan message from an application software distribution system," "constructing a reception plan," "receiving an application software transmission start packet from the application software distribution system," "standing by to receive the application software file," "receiving the application software file from the application software distribution system," and "storing the application software file" (emphasis added). Thus, the application software distribution system (server) can store a user's unused programs or data to efficiently manage a memory in a mobile station of the user and complement the lack of the mobile station's storage. Accordingly, the application software distribution system (server) can transmit a transmission plan message to the mobile station before transmitting an application program or unused programs/data. Fette fails to teach or suggest the features recited in claims 12 and 25.

Claims 2 and 4-8, and claims 13-15 and 17-19 depend from claims 1 and 12, respectively. Thus, for at least the reasons that claims 1 and 12 distinguish over the cited prior art, it is respectfully submitted that claims 2, 4-8, 13-15 and 17-19 also distinguish over the cited prior art.

In view of the above, it is respectfully submitted that the objection is overcome.

IV. REJECTION OF CLAIMS 9-11 AND 20-23 UNDER 35 U.S.C. 103(A) AS BEING UNPATENTABLE OVER FETTE ET AL. (USP# 6,052,600) IN VIEW OF CRISS ET AL. (USP# 6,643,506)

The comments in section III above, also apply here because claims 9-11 and 20-23 depend from claims 1 and 12, respectively. Thus, for at least the reason that claims 1 and 12 distinguish over the cited prior art, it is respectfully submitted that claims 9-11 and 20-23 also distinguish over the cited prior art.

In view of the above, it is respectfully submitted that the rejection is overcome.

V. CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that each of the claims patentably distinguishes over the prior art, and therefore defines allowable subject matter. A prompt and favorable reconsideration of the rejection along with an indication of allowability of all pending claims are therefore respectfully requested.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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